

REMARKS

Claims 1-46 are now pending in the application. With this reply, Applicants cancel claims 1-12 and 31-46 as drawn to non-elected inventions. Upon entry of the Amendments, claims 13-30 remain pending.

RESTRICTION REQUIREMENT

In response to the restriction requirement, Applicants have cancelled claims 1-12 and 31-46 as drawn to non-elected inventions. Applicants reserve the right to pursue these and other claims in divisional and continuing applications.

CLAIM OBJECTIONS UNDER 35 U.S.C. § 102/103

Claims 13, 14, 16-18, 20-23, 25-27 and 30 stand rejected under 35 U.S.C. § 102(b) as anticipated or in the alternative under 35 U.S.C. § 103(a) as obvious over the Katsuki reference (U.S. Pat. No. 4,427,743). Applicants respectfully traverse the rejection and request reconsideration.

The reference does not anticipate the subject matter of the claims because many features of the claims are completely missing from the reference. Claims 13-21 are drawn to a co-extruded A-B composite sheet. As shown in Figure 2 of the specification and as developed in the earlier reply, the claimed A-B composite sheet is made of two layers where A is an expendable polymeric layer and B is a thermoplastic adhesive layer. As claimed, the A-B composite sheet is described as “co-extruded”. While the claim is not in the form of a product-by-process claim, it is true that the use of the word “co-extruded” describes a structure such as that provided by co-extruding layers A and B. It is also true that, as the Office Action states, the

patentability of a product does not depend on its method of production. In particular, if the product is the same as or obvious from a product of the prior art the claim is unpatentable even though the prior art product is made by a different process.

But the Katsuki reference does not disclose an A-B composite sheet, co-extruded or not. As the Office Action states,

“Katsuki...discloses a laminated panel comprising a plastic sheet 3A', cushioning layer 4, and plastic sheet 3B' (column 5, lines 26-30).”

The reference to column 5 describes Figure 2 of the reference. As developed in the earlier reply, Figure 2 of the reference discloses not an A-B composite sheet, but a 5-layer composite made up of two glass sheets, adhesive layers connecting the two glass sheets to two plastic sheets, and a cushioning layer disposed between the two plastic sheets. This is not an A-B composite sheet.

The reference does not disclose a structure such as would be achieved by co-extruding layers of A and B. Thus, even if the plastic sheets with embedded polypropylene fibers could be said to read on the claimed expendable polymeric layer (which Applicants do not concede), and even if the cushioning layer of the reference reads on the claimed thermoplastic adhesive layer B (perhaps a plausible position), the reference simply does not disclose or suggest an A-B composite sheet as in current claim 13.

For similar reasons, the reference does not disclose or suggest the claimed A-B-A composite sheet of claims 22-30. The Office Action characterizes the reference as disclosing a panel “comprising” a plastic sheet and a cushioning layer. This is accurate, but it must be understood the panel of the reference contains more layers than just the sheet and cushioning layer. It does not disclose or suggest a three layer A-B-A co-extruded sheet as in claim 22.

For the reasons discussed above, Applicants respectfully submit the reference does not anticipate the subject matter of the current claims. Accordingly, Applicants respectfully request the rejection under § 102 be withdrawn.

In the alternative, the claims are rejected as obvious over the reference, but a *prima facie* case of obviousness is not made out. To establish a *prima facie* case, there must be some suggestion or motivation to modify the reference to arrive at the subject matter of the claims. This motivation is completely lacking.

To arrive at the subject matter of the claims, the reference (and in particular Figure 2) would have to be modified by removing the glass sheets and adhesive layers, leaving a three part A-B-A composite sheet consisting of a cushioning layer disposed between two plastic sheets. There is simply no motivation to do so. The reference does not disclose or suggest making such a composite. Therefore, even if the plastic sheets 3A' and 3B' of the reference read on the expendable polymeric layer, and even if cushioning layer 4 of the reference read on the adhesive layer of claims 13-30, a *prima facie* case is not made out because there is no motivation to modify the reference.

For this reason, Applicants respectfully submit that the claims are non-obvious in light of the reference. Accordingly, Applicants respectfully request that the obviousness rejection of the claims be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 15, 19, 24 and 28 stand rejected under 35 U.S.C. § 103(a) as obvious over Katsuki reference (U.S. Pat. No. 4,427,743) and further in view of the Friedman reference (U.S. Pat. No. 6,159,608). Applicants respectfully traverse the rejection and request reconsideration.

The deficiencies of the Katsuki reference are described above. The primary reference does not teach or suggest a co-extruded A-B sheet as in claim 13 or a co-extruded A-B-A sheet as in claim 22. The Friedman reference does not make up for those deficiencies. Accordingly, Applicants respectfully request the rejection be withdrawn.

CONCLUSION

For the reasons discussed above, Applicants believe that claims 13-30 are in an allowable condition and respectfully request an early Notice of Allowance. The Examiner is invited to telephone the undersigned if that would be helpful to resolving any issues.

Respectfully submitted,

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